

TOWN OF FREDERICK, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN OF FREDERICK,
COLORADO, APPROVING THE HAUCK PRESERVE
MINOR SUBDIVISION PLAT, LOCATED WITHIN THE
NORTH HALF OF SECTION 29, TOWNSHIP 29 N, RANGE
68 W OF THE 6TH P.M., TOWN OF FREDERICK,
COLORADO.**

WHEREAS, The Hauck Preserve at Idaho Creek, LLC, 669 Emerson St., Denver, CO 80218, hereinafter known as the "Developer," has submitted a plat of those certain lands within the Town of Frederick, Colorado, to be known as the "Hauck Preserve Minor Subdivision," under the authority provided by *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*; and

WHEREAS, the Board of Trustees of the Town of Frederick has found the plat to be complete and that good and sufficient reason has been shown to be present to justify the platting of the property; and

WHEREAS, the Board of Trustees has determined by Resolution No. 09-R-__, duly adopted and approved on the 13th day of October, 2009, that the proposed Plat of the Hauck Preserve Minor Subdivision is compatible with the adjacent land uses, that it conforms with the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*, and that it preserves the health, safety, welfare and interests of the citizens of the Town of Frederick, Colorado.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Frederick, Colorado, that:

Section 1. That property owned by The Hauck Preserve at Idaho Creek, LLC, and identified as "Hauck Preserve Minor Subdivision," more specifically described in "Exhibit A" attached and made a part hereof, is now granted Minor Subdivision Plat approval in accordance with the provisions of *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.

Section 2. The property is platted in accordance with the final plat and the dedications thereon and other documentation pertaining to the Plat of said property presented by the Developer and approved by the Frederick Planning Commission and the Frederick Board of Trustees, and the same are incorporated by reference thereto in this Ordinance. The Plat shall not affect commitments made in any Annexation Agreement or Memorandum of Agreement for Public Improvements, except as specifically amended herein.

Section 3. **Minor Subdivision Plat Approval.** Plat approval is conditioned upon the following:

- (1) All utility easements on the property must be recorded prior to recordation of the minor subdivision;

- (2) All construction plans must be approved and accepted by the Town Engineer prior to recordation of the minor subdivision plat; and
- (3) All surface use agreements and any necessary amendments must be recorded with the County Clerk and Recorder and a copy provided to the Town prior to recordation of the minor subdivision plat.
- (4) No public improvements are approved in conjunction with the minor subdivision plat; any subsequent development within the platted area shall be subject to the requirements of a Letter Agreement concerning public improvements and conditioned upon the execution of a detailed Memorandum of Agreement for Public Improvements.

Section 4. **Effective Date.** This ordinance shall become effective thirty (30) days after publication, or upon the affixation of signatures on the plat map and this platting ordinance and the recording of the same, whichever occurs later.

Section 5. **Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 6. **Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS 13th DAY of OCTOBER, 2009.**

ATTEST:

TOWN OF FREDERICK

By _____
Nanette Fornof, Town Clerk

By _____
Eric D. Doering, Mayor

EXHIBIT A
Hauck Preserve Minor Subdivision
Legal Description

PART OF LOT B, AMRE-3107, SITUATED IN THE NORTH 1/2 OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

*BEGINNING *AT THE SOUTHEAST CORNER OF SAID LOT B; THENCE N89°40'23"W ALONG THE SOUTH LINE OF SAID LOT B A DISTANCE OF 1858.62 FEET TO THE *TRUE POINT OF BEGINNING*; THENCE ALONG THE BOUNDARY OF SAID LOT B THE FOLLOWING TWENTY (20) COURSES: (1) N89°40'23"W A DISTANCE OF 1036.89 FEET; (2) N00°28'40"W A DISTANCE OF 422.43 FEET; (3) S89°32'41"W A DISTANCE OF 470.10 FEET; (4) N00°28'40"W A DISTANCE OF 109.64 FEET; (5) N02°37'52"E A DISTANCE OF 139.80 FEET; (6) N83°46'03"E A DISTANCE OF 443.82 FEET; (7) N79°42'52"E A DISTANCE OF 364.50 FEET; (8) N23°50'02"E A DISTANCE OF 368.43 FEET; (9) N50°52'10"E A DISTANCE OF 152.23 FEET; (10) N77°59'59"E A DISTANCE OF 137.20 FEET; (11) S88°37'03"E A DISTANCE OF 138.18 FEET; (12) N69°16'43"E A DISTANCE OF 83.93 FEET; (13) N35°39'25"E A DISTANCE OF 137.82 FEET; (14) N83°22'23"E A DISTANCE OF 174.15 FEET; (15) S82°47'12"E A DISTANCE OF 92.81 FEET; (16) N77°05'27"E A DISTANCE OF 132.93 FEET; (17) N52°25'00"E A DISTANCE OF 112.92 FEET; (18) S86°37'32"E A DISTANCE OF 14.29 FEET; (19) S00°37'32"W A DISTANCE OF 211.48 FEET; (20) S89°50'17"E A DISTANCE OF 270.64 FEET TO A POINT OF CURVATURE; THENCE ALONG A 180.00 FOOT CURVE TO THE LEFT (SAID CURVE HAVING A CENTRAL ANGLE OF 55°03'00" AND A CHORD BEARING S62°38'13"W A DISTANCE OF 166.37 FEET) AN ARC LENGTH OF 172.94 FEET; THENCE S35°06'43"W A DISTANCE OF 1004.25 FEET TO A POINT OF CURVATURE; THENCE ALONG A 180.00 FOOT CURVE TO THE LEFT (SAID CURVE HAVING A CENTRAL ANGLE OF 34°47'06" AND A CHORD BEARING S17°43'10"W A DISTANCE OF 107.61 FEET) AN ARC LENGTH OF 109.28 FEET; THENCE S00°19'37"W A DISTANCE OF 280.58 FEET TO THE *TRUE POINT OF BEGINNING*.

CONTAINING 1,595,102 SQUARE FEET OR 36.619 ACRES, MORE OR LESS.